



Response to Office Action Mailed May 4, 2005 PATENT 10/767,183

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(LHTLG No. 03,139)

In re Application of:)	
)	Examiner: Firdie, Jr., Willimon
Robert E. Mitchell)	
)	
Serial No. 10/767,183)	Group Art Unit: 3722
)	
Filed: 29-January-2004)	
)	Confirmation No. 4646
For: ADVERTISING MATERIALS)	
AND METHOD FOR)	
COOPERATIVE PROMOTIONS)	

Mail Stop: Responses
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO OFFICE ACTION MAILED May 5, 2005

Responsive to the Office Action mailed May 5, 2005, Applicant submits the following
Response.

RESPONSE

Claims 1-30 are pending in the application. Claims 1, 14, 16, 19 and 24 are in
independent format.

DOUBLE PATENTING REJECTION

The Examiner rejected claims 1-30 under "the judicially created doctrine of
obviousness-type double patenting as being unpatentable over claims 1-7 of U.S.
Patent No. 6,340,179 to Mitchell. Although the claims are not identical, they are
not patentably distinct from each other because both sets disclose a method and
apparatus for gaming and advertising using a break open window and other